

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
MARK TAYLOR

Plaintiff,

SUMMONS

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION,  
IRWIN GOLDBERG, VARIOUS EMPLOYEES OF  
NEW YORK CITY DEPARTMENT OF EDUCATION,  
WHOSE NAMES ARE CURRENTLY UNKNOWN  
AND THUS DESIGNATED AS "DONALD DOE 1-  
XXX",

Index No.:  
Date Index No.  
purchased:

Defendants.

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To the above-named Defendants:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons (exclusive of the day of service), or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York.

**YOU ARE HEREBY NOTIFIED THAT** should you fail to appear or answer, a judgment will be entered against you by default for the relief demanded in the complaint.

The Plaintiff's designates Bronx County as the place of trial.

The basis of venue is 30 Richman Plaza, Bronx, NY 10453, located at Plaintiff's residence.

Dated: August 14, 2019  
Orangeburg, New York

**KEVIN T. MULHEARN, P.C.**

*Kevin T. Mulhearn, P.C. IS*

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BY: KEVIN MULHEARN, ESQ  
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and

**DARREN EPSTEIN, ESQ., P.C.**

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*Attorneys for Plaintiff, Mark Taylor*

Defendants' Addresses:

New York City Department of Education  
Tweed Courthouse  
52 Chambers Street  
New York, NY 10007

Irwin Goldberg  
46 Washington Circle  
New City, NY, 10956-3738

Various Employees of New York City Department of Education  
Who names are currently unknown and thus designated "Donald Does 1-XXX"  
Tweed Courthouse  
52 Chambers Street  
New York, NY 10007

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X

MARK TAYLOR

Plaintiff,

COMPLAINT

-against-

Index No.:

NEW YORK CITY DEPARTMENT OF EDUCATION,  
IRWIN GOLDBERG, VARIOUS EMPLOYEES OF  
NEW YORK CITY DEPARTMENT OF EDUCATION,  
WHOSE NAMES ARE CURRENTLY UNKNOWN  
AND THUS DESIGNATED AS "DONALD DOE 1-  
XXX",

Defendants.

-----X

Plaintiff, MARK TAYLOR, by and through his attorneys, DARREN JAY EPSTEIN, ESQ, P.C. and KEVIN T. MULHEARN, P.C., as and for his causes of action against the Defendants hereby alleges, upon information and belief, as follows:

PARTIES

1. The Plaintiff, Mark Taylor, was and still is a resident of the County of the Bronx.
2. That at all times hereinafter mentioned, the Defendant NEW YORK CITY DEPARTMENT OF EDUCATION, hereinafter referred to as "NYC" owns, maintains, and operates ADLAI STEVENSON HIGH SCHOOL ("ASHS") located at 1980 Lafayette Ave, The Bronx, NY.
3. That at all times hereinafter mentioned, the defendant "NYC" was and still is a municipality or an agency of a municipality or a Department of a municipality organized and existing under and by virtue of the Education Law of the State of New York and authorized to do business in the State of New York.

4. At all times hereinafter mentioned, "NYC", authorized, supervised, administered, and oversaw all aspects of the hiring, supervising, firing, training and administration at ADLAI STEVENSON HIGH SCHOOL ("ASHS") and had a duty to safeguard the welfare, security, safety, wellbeing and health of the students such as the plaintiff, MARK TAYLOR, during the years he was a student at ASHS.
5. At all times hereinafter mentioned, Defendant IRWIN GOLDBERG resides in New City, New York.
6. At all times hereinafter mentioned, Defendants VARIOUS EMPLOYEES OF NEW YORK CITY DEPARTMENT OF EDUCATION WHO NAMES ARE CURRENTLY UNKNOWN AND THUS DESIGNATED AS "DONALD DOE 1-XXX" (Hereinafter, "Employees") were employees of NYC and located within the City of New York, County of the Bronx and/or State of New York.

#### **STATEMENT OF FACTS**

7. At all times hereinafter mentioned, ADLAI STEVENSON HIGH SCHOOL ("ASHS") was and still is a New York City Public School, owned, operated, managed, supervised, overseen, governed and/or administered by NYC.
8. At all times hereinafter mentioned, Defendant GOLDBERG was hired, trained, supervised, guided and/or administered by NYC as a teacher and Dean of the school.
9. At all times hereinafter mentioned, Defendant Employees, were hired, trained, supervised, guided and/or administered by NYC.
10. At all times hereinafter mentioned, Defendants NYC, GOLDBERG and EMPLOYEES were required to ensure the safety and security of the students at ASHS.

11. At all times hereinafter mentioned, Defendants NYC, GOLDBERG and EMPLOYEES had a duty and responsibility to ensure the safety and security of the students at ASHS.
12. At all times hereinafter mentioned, Defendants NYC, GOLDBERG and EMPLOYEES had a duty and responsibility to secure the safety and security of the students at ASHS.
13. At all times hereinafter mentioned, defendant NYC failed to properly inspect, investigate, review and/or search the background of Defendants GOLDBERG and EMPLOYEES either prior or subsequent to his hiring as a teacher and as a Dean at ASHS.
14. At all times hereinafter mentioned, defendant NYC had actual and/or constructive notice that students in ASHS were being sexually abused and assaulted by administrators, teachers, employees, Dean's, counselors and/or adults working inside of ASHS.
15. At all times hereinafter mentioned, defendant NYC had actual and/or constructive notice that students in the NYC schools were being sexually abused and sexually assaulted by administrators, teachers, employees, Deans, counselors and/or adults working for NYC schools.
16. At all times hereinafter mentioned, defendant NYC had actual and/or constructive notice that students in the NYC schools were being sexually abused and sexually assaulted by administrators, teachers, employees, Dean's, counselors and/or adults working for NYC schools, including GOLDBERG, and had prior complaints, investigations, lawsuits, litigations and/or claims against said individuals, including GOLDBERG.
17. Upon information and belief NYC hired, supervised, trained, authorized, administered, oversaw and/or promoted Defendants GOLDBERG and EMPLOYEES.

18. Upon information and belief NYC had a reasonable belief that DEFENDANT GOLDBERG sexually abused and sexually assaulted numerous students at ASHS, including Plaintiff MARK TAYLOR.
19. Upon information and belief NYC had a reasonable belief that EMPLOYEES had actual notice, constructive notice, knew and had a reasonable belief that DEFENDANT GOLDBERG sexually abused and sexually assaulted numerous students at ASHS, including the Plaintiff MARK TAYLOR.
20. Upon information and belief, with actual and/or constructive knowledge NYC took no action to protect the students of ASHA, and particularly the Plaintiff MARK TAYLOR, from being sexually abused and sexually assaulted by Defendant GOLDBERG while on the property or premises of ASHA; and, from being taken off of the school property during school hours to be sexually abused and assaulted at Defendant GOLDBERG's mother's apartment.
21. Upon information and belief, with actual and/or constructive knowledge NYC took no action to protect the students of ASHA and particularly the Plaintiff MARK TAYLOR from being taken out of ASHA without the permission or consent of his/their parents.
22. Upon information and belief, with actual and/or constructive knowledge NYC took no action to protect the students of ASHA, and particularly the Plaintiff MARK TAYLOR, to prevent a student from being taken out of ASHA when there was no permission or consent by the parents.
23. Upon information and belief, with actual and/or constructive knowledge NYC took no action to protect the students of ASHA, and particularly the Plaintiff MARK TAYLOR,

from repeatedly being pulled out of classes by Defendant GOLDBERG to be sexually abused and sexually assaulted.

24. Upon information and belief, with actual and/or constructive knowledge NYC failed to set forth any rules, regulations and/or security measures to protect the students of ASHA, and particularly the Plaintiff MARK TAYLOR, from being taken out of class and repeatedly sexually abused by administrators, teachers, employees, Dean's, counselors and/or adults working for NYC schools without permission, consent and/or a legitimate reason.
25. Upon information and belief, with actual and/or constructive knowledge NYC failed to set forth any rules, regulations and/or security measures to protect the students of ASHA, and particularly the Plaintiff MARK TAYLOR, from being taken off of school property and sexually abused repeatedly by administrators, teachers, employees, Dean's, counselors and/or adults working for NYC schools without permission, consent and/or a legitimate reason.
26. Upon information and belief, with actual and/or constructive knowledge NYC failed to set forth any rules, regulations and/or security measures to protect the students of ASHA, and particularly the Plaintiff MARK TAYLOR, from being sexually abused and sexually assaulted on the premises of ASHA.
27. Upon information and belief, with actual and/or constructive knowledge NYC had knowledge that students were being sexually abused and sexually assaulted by administrators, teachers, employees, Dean's, counselors and/or adults working for NYC schools and NYC failed to set forth any rules, regulations and/or security measures to protect the students of ASHA, and particularly the Plaintiff MARK TAYLOR, from

being taken out of class repeatedly by administrators, teachers, employees, Dean's, counselors and/or adults working for NYC schools without permission, consent and/or a legitimate reason and being sexually abused and sexually assaulted within the school property at ASHS.

28. The Plaintiff MARK TAYLOR was a student at ASHA starting approximately in the fall of 1981 and continued being a student at ASHA until his graduation in the spring of 1984.
29. Upon information and belief, at least from approximately September 1981 through Plaintiff MARK TAYLOR'S graduation in 1984, the Plaintiff MARK TAYLOR was repeatedly sexually abused, sodomized and/or forced to commit oral sexual acts and other sexual acts by Defendant GOLDBERG.
30. Thereafter, Plaintiff MARK TAYLOR informed Steven Shapiro a teacher and supervisor at ASHS of the sexual abuse, sodomy, oral sexual acts and other sexual acts. Shapiro thus knew that Defendant GOLDBERG, and, upon information and belief, other ASHS employees had sexually abused or otherwise engaged in sodomy and oral sexual acts with students, including the Plaintiff MARK TAYLOR.
31. During the years between September 1981 and May 1984, the sexual abuse of the Plaintiff MARK TAYLOR regularly took place within ASHS, inside of the Dean Defendant GOLDBERG's office and in empty classrooms. Defendant GOLDBERG also frequently took the Plaintiff MARK TAYLOR out of school during school hours and sodomized and sexually assaulted Plaintiff Mark Taylor at Defendant GOLDBERG mother's apartment in New York City.

32. Upon information and belief, Steven Shapiro told Edward F. Stancik, Special Commissioner, that the Plaintiff MARK TAYLOR communicated Defendant GOLDBERG's ongoing sexual abuse, sodomy, unlawful oral sexual acts and unlawful sexual acts by Defendant GOLDBERG to him.
33. Steven Shapiro was a teacher, supervisor and/or administrator for NYC at ASHS during the years of September 1981 to May 1984 and had a duty and responsibility to protect the safety and security of the students at ASHS.
34. That Steven Shapiro had a duty and responsibility to protect the safety and security of the Plaintiff MARK TAYLOR who was a student at ASHS during the years from September 1981 to May 1984.
35. That Steven Shapiro failed to protect the safety and security of the Plaintiff MARK TAYLOR. That Steven Shapiro had a duty and responsibility to report, tell, divulge, disclose, expose, reveal and/or communicate Defendant GOLDBERG's ongoing sexual abuse, sodomy, unlawful oral sexual acts and unlawful sexual acts by Defendant GOLDBERG to Plaintiff MARK TAYLOR.
36. Steven Shapiro further stated that he did not tell the administration about the unlawful and/or criminal acts by Defendant GOLDBERG because "he did not trust the school's administration."
37. Upon information and belief, Steven Shapiro had a duty and responsibility to inform NYC about the ongoing sexual abuse, sodomy, unlawful oral sexual acts and unlawful sexual acts by Defendant GOLDBERG to Plaintiff MARK TAYLOR.
38. Upon information and belief, Steven Shapiro failed to start an investigation based upon the complaints made by the Plaintiff MARK TAYLOR as early as the fall of 1981.

39. That it was not until 2001 when the Plaintiff MARK TAYLOR approached a NYC Police Officer regarding the sexual abuse, sodomy, unlawful oral sexual acts and unlawful sexual acts by Defendant GOLDBERG to Plaintiff MARK TAYLOR while the Plaintiff MARK TAYLOR was a student at ASHS. The Plaintiff MARK TAYLOR was advised to speak with the investigator for NYC Edward Stancik.

40. Edward Stancik opened an investigation on behalf of NYC and the Plaintiff assisted Edward Stancik by getting wired with audio and video equipment and approached Defendant GOLDBERG inside of ASHS.

41. Upon information and belief, after the investigation, Harold O. Levy, Chancellor of NYC Public Schools and New York City Department of Education was provided the investigation's findings and responded to these verified allegations by allowing the accused to quietly leave or retire and find employment elsewhere. (Plaintiff MARK TAYLOR is not aware whether any of Defendant GOLDBERG's subsequent jobs provided him with access to children).

42. Upon information and belief, NYC and ASHS knew or should have known that the Plaintiff MARK TAYLOR was being sexually abused, sodomized, forced to commit oral sexual acts and forced to commit other sexual acts, further, pursuant to the comment by Steven Shapiro that he did not "trust the school's administration."

43. Upon information and belief, NYC and ASHS had a reasonable belief that students at ASHS and other New York City Public Schools were being sexually abused and sexually assaulted by administrators, teachers, employees, Dean's, counselors and/or adults working for NYC and ASHS and that the Plaintiff MARK TAYLOR was being sexually abused, sodomized, forced to commit oral sexual acts and forced to commit other sexual

acts, based on the comments by Steven Shapiro to Edward Stancik and, further, pursuant to the comment by Steven Shapiro as to why he did not say anything about the Plaintiff's plea for help regarding the sexual abuse and sexual assault by defendant GOLDBERG, when he stated that he did not "trust the school's administration."

44. Upon information and belief, Defendant GOLDBERG was employed by New York City Department of Education and worked at ASHS as a teacher and Dean for at least 20 years.
45. Upon information and belief, NYC, ASHS and EMPLOYEES were aware of the epidemic of sexual assault and sexual abuse within the New York City Public Schools and did not take any precautions to secure the safety, security and welfare of the students.
46. Upon information and belief, NYC was aware of sexual abuse of children in the New York City Public Schools for many years prior to Plaintiff MARK TAYLOR sexual assaults by Defendant GOLDBERG, a teacher and Dean of a New York City High School.
47. Upon information and belief, NYC, ASHS and EMPLOYEES knew or should have known that Defendant GOLDBERG was a child predator, had committed prior criminal sexual acts against minors, had sexually abused minors prior to his sexual abuse of Plaintiff MARK TAYLOR, and had committed many of these acts within the New York City Public Schools.
48. Upon information and belief, NYC, ASHS and EMPLOYEES failed to protect the safety, security and welfare of the Plaintiff MARK TAYLOR while he was a student in the care of NYC, ASHS and EMPLOYEES.

**AS AND FOR A FIRST CAUSE OF ACTION****NEGLIGENT SECURITY AND SUPERVISION**

49. Upon information and belief, NYC, ASHS and EMPLOYEES failed to protect the innocent students, failed to provide proper security, failed to set proper guidelines, failed to set proper rules, failed to supervise their employees, failed to review their employees, failed to fire their employees and/or otherwise allowed for an epidemic of sexual abuse to occur in the New York City Schools, prior to the Plaintiff MARK TAYLOR sexual assaults by Defendant GOLDBERG.

50. Upon information and belief, NYC, ASHS and EMPLOYEES failure to act prior to the Plaintiff MARK TAYLOR sexual assaults by Defendant GOLDBERG, resulted from NYC, ASHS and EMPLOYEES negligent hiring, retention and supervision of Defendant GOLDBERG.

51. Upon information and belief, the negligence of NYC, ASHS and EMPLOYEES resulted in their allowing for other students prior to and after the Plaintiff MARK TAYLOR to likewise be sexually abused by Defendant GOLDBERG.

52. This Cause of Action is timely, pursuant to The Child Victims Act that was enacted into law on February 14, 2019. Indeed, the Plaintiff alleges that Defendants committed intentional or negligent acts or omissions which resulted in the Plaintiff suffering physical, psychological or other injuries or conditions as a direct and proximate result of conduct which constitutes a sexual offense committed against a child less than eighteen years of age, as defined in Article 130 of the New York Penal Law. This action, moreover, has been filed not earlier than six months after, and not later than one year and

six months after, the effective date of the newly added CPLR § 214-g (February 14, 2019).

53. It is hereby alleged pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to, CPLR § 1602(7).
54. The amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION**

**BREACH OF DUTY OF CARE**

55. School Authorities have a duty of care to students on school premises or when students are otherwise in the control of school personnel.
56. The New York City Department of Education has a duty, arising from the fact of its physical custody over the students, to exercise the same degree of care and supervision which a reasonably prudent parent would employ in the given circumstances.
57. The Defendants failed to use that duty of care and supervision over the Plaintiff as a reasonably prudent parent would employ over their child.
58. That as a result of the Defendants failure to exercise that duty of care over the Plaintiff, the Plaintiff MARK TAYLOR was severely and permanently injured.
59. The NYC Defendants received a specific complaint of sexual abuse and sexual assault against GOLDBERG, the NYC Defendants ignored and/or did not protect the Plaintiff MARK TAYLOR, rather, NYC Defendants gave GOLDBERG unfettered access to ASHS students, which directly caused the Plaintiff MARK TAYLOR to suffer severe and

permanent injuries, suffered sexual abuse, and resulting life-long physical and emotional harm.

60. This Cause of Action is timely, pursuant to The Child Victims Act that was enacted into law on February 14, 2019. Indeed, the Plaintiff alleges that Defendants committed intentional or negligent acts or omissions which resulted in the Plaintiff suffering physical, psychological or other injuries or conditions as a direct and proximate result of conduct which constitutes a sexual offense committed against a child less than eighteen years of age, as defined in Article 130 of the New York Penal Law. This action, moreover, has been filed not earlier than six months after, and not later than one year and six months after, the effective date of the newly added CPLR § 214-g (February 14, 2019).

61. It is hereby alleged pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to, CPLR § 1602(7).

62. The amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION:**

**NEGLIGENT SUPERVISION**

**(AGAINST ALL DEFENDANTS)**

63. Plaintiffs repeat and reallege each of the above paragraphs of this Complaint as if fully set forth herein.

64. At all material times, Defendants NYC, ASHS and EMPLOYEES (Hereinafter, NYC Defendants) knew of, or should have known of, its employee, Defendant GOLDBERG's,

propensity for engaging in illegal, immoral, and patently offensive, sexual abuse and sexual assault of children.

65. Nevertheless, the NYC Defendants carelessly and negligently failed to adequately supervise GOLDBERG, even after specific complaints of sexual abuse had been lodged against GOLDBERG.

66. Indeed, as early as the fall of 1981 when Plaintiff MARK TAYLOR was a victim of sexual assault and sexual abuse on the premises of ASHS and was taken off of school property during school hours by Defendant GOLDBERG, and notified NYC when the Plaintiff MARK TAYLOR exposed, revealed and confirmed the attack to Steven Shapiro, a teacher, supervisor and/or administrator at ASHS. Even after receiving this complaint of sexual misconduct against GOLDBERG, the NYC Defendants promoted GOLDBERG and allowed him to continue as the Dean of the school, which kept GOLDBERG away from the supervision of any administrators, but in close proximity to many more unsuspecting and innocent students who could be a victim to his predations.

67. Furthermore, the NYC Defendants promoted Steven Shapiro to principal after he failed to protect the Plaintiff MARK TAYLOR from the sexual abuse and sexual assault by Defendant GOLDBERG.

68. Likewise, at all material times, despite having actual knowledge of GOLDBERG's repeated sexual abuse of children, the NYC Defendants negligently and carelessly retained GOLDBERG on staff as an administrator (and role model) and permitted him to work with young boys, to entertain young boys both on and away from school grounds, and to prey on those boys he deemed vulnerable to abuse, specifically, with regard to the Plaintiff MARK TAYLOR.

69. As a direct and proximate result of Defendants' aforesaid acts and omissions, and negligent supervision of GOLDBERG, the Plaintiff was sexually abused and sexually assaulted by GOLDBERG, and resulting life-long physical and emotional harm. All of this harm – to Plaintiffs and other potentially other victims of GOLDBERG – was reasonably foreseeable to the Defendants at the time of their misrepresentations, affirmative misconduct, silence, and inaction in the face of GOLDBERG's extraordinarily damaging misconduct.

70. Nevertheless, the NYC Defendants carelessly and negligently failed to adequately supervise GOLDBERG, even after specific complaints of sexual abuse had been lodged against GOLDBERG by the Plaintiff.

71. Likewise, at all material times, despite having actual knowledge of GOLDBERG's repeated sexual abuse and sexual assault of the Plaintiff MARK TAYLOR, the NYC Defendants negligently and carelessly retained GOLDBERG on staff as a teacher (and role model) and permitted him to work with students, to entertain students both on and away from school grounds, and to prey on those students he deemed vulnerable to abuse.

72. As a direct and proximate result of Defendants' aforesaid acts and omissions, and negligent supervision of GOLDBERG, the Plaintiff was abused by GOLDBERG suffered sexual abuse, and resulting life-long physical and emotional harm. All of this harm – to Plaintiffs and other victims of GOLDBERG – was reasonably foreseeable to the Defendants negligent hiring, supervision, training and retention of Defendant GOLDBERG.

73. The NYC Defendants carelessly and negligently failed to adequately supervise Defendant GOLDBERG, even after specific complaints of sexual abuse had been lodged against GOLDBERG by the Plaintiff MARK TAYLOR.

74. The NYC Defendants received a specific complaint of sexual abuse and sexual assault against GOLDBERG, the NYC Defendants ignored and/or did not protect the Plaintiff MARK TAYLOR, rather, NYC Defendants gave GOLDBERG unfettered access to ASHS students, which directly caused the Plaintiff MARK TAYLOR to suffer severe and permanent injuries, suffered sexual abuse, and resulting life-long physical and emotional harm.

75. The above-stated acts and omissions of Defendants demonstrated a reckless and conscious disregard of the rights, health, and safety of the rights of Plaintiff MARK TAYLOR and potential victims of GOLDBERG. The acts of GOLDBERG were so malicious, willful, and wanton as to constitute a grievous injury to the public-at-large, as well as to the Plaintiff; and, as such, give rise to punitive damages against Defendant GOLDBERG.

76. Upon information and belief, during all material times herein, when Plaintiff was enrolled in ASHS and communicating and otherwise interacting with GOLDBERG and GOLDBERG was entrusted by his parent[s] to the care of all Defendants and during such periods the Defendants were acting in the capacity of *in loco parentis* because Defendants assumed custody and control over the Plaintiff as a minor child and as a student at ASHS.

77. Upon information and belief, GOLDBERG used his position of trust and authority vested in him by the Defendants for the purpose of sexually abusing the Plaintiff.

78. Upon information and belief, GOLDBERG used his position of trust and authority vested in him by the Defendants for the purpose of sexually assaulting the Plaintiff.

79. 780. Upon information and belief, the sexual abuse of numerous Plaintiffs (as stated above) by GOLDBERG was foreseeable.

80. Upon information and belief, the sexual abuse and sexually assaulting of the Plaintiff by GOLDBERG was foreseeable.

81. Upon information and belief, at all material times, Defendants had the duty to exercise the same degree of care and supervision over their students including the Plaintiff under their control as a reasonably prudent parent would have exercised under the same circumstances.

82. This means that Defendants assumed a duty of care to protect the safety and welfare of the Plaintiff as a student at ASHS. At all material times, the Defendants owed a duty to the Plaintiff to provide a safe and nurturing educational environment, where he would be protected from administrators and teachers and staff and associates like GOLDBERG, was under the employment and/or supervision and control of the NYC Defendants.

83. Upon information and belief, during GOLDBERG's employment by NYC at ASHS and while Plaintiff was a student in ASHS's care, Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.

84. During all material times, NYC and ASHS owed a special duty to the Plaintiff that required NYC and ASHS to take reasonable steps to anticipate such behavior from its employees and associates like GOLDBERG, which threatened the safety of students including the Plaintiff.

85. At all material times, Defendants had a duty to properly supervise GOLDBERG as their employee because of their duty of care to the Plaintiff.
86. At all material times, NYC Employees had a duty to notify the police of the sexual assault and sexual abuse of the Plaintiff MARK TAYLOR as their agent, supervisor, administrator and/or representative because of their duty of care to the Plaintiff.
87. At all material times, the Plaintiff reposed his trust and confidence as a student and minor child in Defendants, who occupied a superior position of influence and authority over the Plaintiff to provide the Plaintiff with a safe and secure educational environment.
88. Upon information and belief, at all material times, NYC Defendants knew or should have known of GOLDBERG's propensity to sexually abuse minor students.
89. Upon information and belief, at all material times, Defendants knew or should have known after the Plaintiff MARK TAYLOR notified, revealed and sought the assistance of Steven Shapiro, a teacher, supervisor, counselor and/or administrator as a plea for help from the sexual abuse and sexual assault by GOLDBERG against the Plaintiff.
90. Upon information and belief, the NYC Defendants negligently failed to adequately implement a reasonable or effective supervisory system, plan, protocol or procedure for supervising personnel so as to prevent inappropriate, offensive, sexual and/or abuse or contact of students by NYC or ASHS employees or associates.
91. Upon information and belief, Defendants' failure to supervise, includes but is not limited to: failure to supervise GOLDBERG in his office, failure to supervise GOLDBERG in his classrooms, failure to supervise GOLDBERG in ASHS common areas, such as hallways and stairwells, failure to supervise GOLDBERG in ASHS empty classrooms, failure to monitor and/or restrict GOLDBERG from taking students out of classrooms to sexually

abuse and sexually assault the Plaintiff, failure to provide ASHS students with safety and security inside ASHS, failure to respond to abuse complaints about GOLDBERG, failure to monitor and/or restrict ASHS students' visits to the homes of GOLDBERG, failure to supervise GOLDBERG's removal of the Plaintiff from ASHS school grounds without the consent or permission of the Plaintiff's parents, and the failure to adequately supervise students during their time on the ASHS/NYC campus.

92. Upon information and belief, the injuries to Plaintiff resulted from Defendants' failure to provide the Plaintiff the supervision of a parent of ordinary prudence under the same circumstances.
93. Upon information and belief, the injuries to the Plaintiff were a foreseeable consequence of Defendants' negligent failure to supervise GOLDBERG. Said injuries were caused by or contributed to by the carelessness, recklessness and the grossly negligent conduct of the Defendants, their agents, servants and/or employees, in failing to properly and adequately supervise the conduct of GOLDBERG, as related to the Plaintiffs.
94. Defendants were wanton, reckless, officially tolerant and deliberately indifferent to abuse of Plaintiffs by GOLDBERG.
95. By reason of the foregoing, the Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and the Plaintiff has become and will continue to be obligated to expend sums of money for medical expenses.

96. By reason of the foregoing, Defendant GOLDBERG is liable to Plaintiffs for punitive and exemplary damages.

97. This Cause of Action is timely, pursuant to The Child Victims Act that was enacted into law on February 14, 2019. Indeed, the Plaintiff alleges that Defendants committed intentional or negligent acts or omissions which resulted in the Plaintiff suffering physical, psychological or other injuries or conditions as a direct and proximate result of conduct which constitutes a sexual offense committed against a child less than eighteen years of age, as defined in Article 130 of the New York Penal Law. This action, moreover, has been filed not earlier than six months after, and not later than one year and six months after, the effective date of the newly added CPLR § 214-g (February 14, 2019).

98. It is hereby alleged pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to, CPLR § 1602(7).

99. The amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION**

**ASSAULT AND BATTERY BY GOLDBERG**

100. That Defendant GOLDBERG sexually abused and sexually assaulted the Plaintiff starting in the fall of 1981 and continuing through to May 1984.

101. That Defendant GOLDBERG sodomized the Plaintiff, forced the Plaintiff to perform oral sexual acts and otherwise committed unlawful sexual acts on the Plaintiff as a minor.

102. By reason of the foregoing, Defendant GOLDBERG is liable to Plaintiffs for punitive and exemplary damages.

103. This Cause of Action is timely, pursuant to The Child Victims Act that was enacted into law on February 14, 2019. Indeed, the Plaintiff alleges that Defendants committed intentional or negligent acts or omissions which resulted in the Plaintiff suffering physical, psychological or other injuries or conditions as a direct and proximate result of conduct which constitutes a sexual offense committed against a child less than eighteen years of age, as defined in Article 130 of the New York Penal Law. This action, moreover, has been filed not earlier than six months after, and not later than one year and six months after, the effective date of the newly added CPLR § 214-g (February 14, 2019).

104. It is hereby alleged pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to, CPLR § 1602(7).

105. The amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AD DAMNUM CLAUSE**

WHEREFORE, based on the aforesaid, Plaintiff hereby respectfully demands judgment in his favor and against each of the Defendants, jointly and severally, together with compensatory and punitive damages (where applicable), and the interest, costs and disbursements pursuant to the causes of action herein, as well as any other, different or further relief to which this Court may seem just, necessary, or proper.

**DEMAND FOR TRIAL BY JURY**

Plaintiffs hereby demand a trial by jury of all issues so triable.

DATED: August 14, 2019  
Orangeburg, New York KEVIN T. MULHEARN, P.C.

*Kevin T. Mulhearn, P.C. 15*

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*Attorneys for Plaintiff, Mark Taylor*

## **VERIFICATION**

STATE OF NEW YORK )  
 )  
COUNTY OF ROCKLAND )

I, Kevin Mulhearn the undersigned, an attorney admitted to practice in the courts of New York State, under penalty of perjury state that I am one of the attorneys for the Plaintiff in the above-entitled action.

I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge except as to those matters stated therein to be alleged on information and belief, and as to those matters I believe to be true.

This verification is made by me and not by my client because my client resides outside the County of where I maintain my offices. The grounds of my belief as to all matters not stated upon my own knowledge are the materials in my file and the investigations conducted by my office.

Dated: August 14, 2019

Kevin T. Mulhearn 15

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KEVIN MULHEARN, ESQ